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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,532	10/06/2003	Tom Paddon	595272000100	2531
25225	7590	07/23/2007	EXAMINER	
MORRISON & FOERSTER LLP 12531 HIGH BLUFF DRIVE SUITE 100 SAN DIEGO, CA 92130-2040			SERRAO, RANODHI N	
ART UNIT	PAPER NUMBER			
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.	40	
10/605,532	PADDON, TOM	
Examiner	Art Unit	
Ranodhi Serrao	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 22 May 2007.  
2a) This action is FINAL.                            2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-25,29 and 30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-25,29 and 30 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) Notice of Informal Patent Application  
6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-25, 29, and 30 have been considered but are moot in view of the new ground(s) of rejection.
2. The applicant argued in substance the newly added limitations of independent claims 1, 10, 17, and 30. However, the new grounds teach these and the added features. See rejections below.

### ***Claim Objections***

3. Claim 29 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 29 depends on a cancelled claim. Claim 29 is listed as being cancelled as well. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites, "at least one common format affiliate

profile" in lines 7 and 8. The claim again recites, "at least one common format affiliate profile" in line 9. However, the claim does not state whether the second mention of the phrase refers to the first or whether it is a different affiliate profile. Claim 10 recites similar language. Therefore, the claims are vague and indefinite. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 30 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It appears that claim 30 would reasonably be interpreted by one of ordinary skill as a system of "software per se", failing to fall within a statutory category of invention. Applicant's disclosure contains no explicit and deliberate definition for the term "means", and in the context of the disclosure and claims in question, one of ordinary skill would reasonably interpret the "means" as software applications. As such, the system of "means" alone is not a machine, and it is clearly not a process, manufacture nor composition of matter. Thus, the claims are not limited to statutory subject matter and are therefore nonstatutory.

***Claim Rejections - 35 USC § 103***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
9. Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen et al. (2001/0018349) and Judd et al. (7,016,963).
10. As per claim 1, Kinnunen et al. teaches a system comprising: a first communication device associated with a first user wherein said first communication device has a physical location parameter and is configured to communicate with a second communications device associated with a second user (see Kinnunen et al., ¶ 67-69); a community engine server comprising a profile associated with said first user wherein said community engine server is configured to compare said profile with at least one common affiliate profile and obtain a match result (see Kinnunen et al., ¶ 133); and, at least one affiliate server comprising said at least one affiliate profile wherein said at least one affiliate server is configured to provide said at least one affiliate profile to said community engine server over a communication network (see Kinnunen et al., ¶ 102). But fails to teach community engine server is configured to obtain at least one affiliate profile having a format associated with a specific operating system, transform the at least one affiliate profile into at least one common format affiliate profile that is independent of said specific operating system. However, Judd et al. teaches a transformation engine configured to obtain at least one affiliate profile having a format associated with a specific operating system, transform the at least one affiliate profile into at least one common format affiliate profile that is independent of said specific operating system (see Judd et al., col. 7, lines 39-60). It would have been obvious to

one having ordinary skill in the art at the time of the invention to modify Kinnunen et al. to a transformation engine configured to obtain at least one affiliate profile having a format associated with a specific operating system, transform the at least one affiliate profile into at least one common format affiliate profile that is independent of said specific operating system in order to enable various device types can access and share content via a network without concern as to the original format of the content (see Judd et al., abstract).

11. As per claim 3, Kinnunen-Judd teach a system wherein said first communication device is configured to allow a user to join a group based on said physical location parameter of said first communication device (see Kinnunen et al., ¶ 106 and ¶ 137).

12. As per claim 4, Kinnunen-Judd teach a system wherein said first communication device is configured to transfer information directly with said second communications device (see Kinnunen et al., ¶ 76).

13. As per claim 5, Kinnunen-Judd teach a system wherein said first communications device is configured to transfer information indirectly with said second communications device (see Kinnunen et al., ¶ 109).

14. As per claim 6, Kinnunen-Judd teach a system wherein said physical location parameter is a static postal code (see Kinnunen et al., ¶ 65).

15. As per claim 7, Kinnunen-Judd teach a system wherein said physical location parameter is a dynamic physical location of said first communication device (see Kinnunen et al., ¶ 95).

16. As per claim 8, Kinnunen-Judd teach a system wherein said communications network comprises a web service (see Kinnunen et al., ¶ 86).

17. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen et al. and Judd et al. as applied to claim 1 above, and further in view of Tucciarone et al. (2004/0122730). Kinnunen et al. and Judd et al. teach the mentioned limitations of claim 1 above but fails to teach a system wherein said first communication device is configured to transfer information with said second communication device upon selection of an alias associated within N-degrees of freedom of said match. However, Tucciarone et al. teaches a system wherein said first communication device is configured to transfer information with said second communication device upon selection of an alias associated within N-degrees of freedom of said match (see Tucciarone et al., ¶ 40). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kinnunen et al. and Judd et al. to a system wherein said first communication device is configured to transfer information with said second communication device upon selection of an alias associated within N-degrees of freedom of said match in order to enable users to make self-tailored or personally customized requests for categories of information to be delivered to them via their e-mail/eMessaging address (see Tucciarone et al., ¶ 15).

18. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen et al., Judd et al., and Tucciarone et al. Kinnunen et al. teaches a system comprising: a first communication device associated with a first user wherein said first communication device comprises a physical location parameter and is configured to

communicate with a second communication device associated with a second user (see Kinnunen et al., ¶ 67-69) and further configured to allow said first user to join a group based on said physical location parameter of said first communications device (see Kinnunen et al., ¶ 106 and ¶ 137); a community engine server comprising a profile associated with said first user wherein said community engine server is configured to compare said profile with at least one common affiliate profile and obtain a match result (see Kinnunen et al., ¶ 133); and, at least one affiliate server comprising said at least one affiliate profile associated with an affiliate user wherein said affiliate server is configured to provide said at least one affiliate profile to said community engine server over a communication network (see Kinnunen et al., ¶ 102). And furthermore Tucciarone et al. teaches by asserting an alias associated within N-degrees of freedom of said first user (see Tucciarone et al., ¶ 40). But fail to teach community engine server is configured to obtain at least one affiliate profile having a format associated with a specific operating system, transform the at least one affiliate profile into at least one common format affiliate profile that is independent of said specific operating system. However, Judd et al. teaches a transformation engine configured to obtain at least one affiliate profile having a format associated with a specific operating system, transform the at least one affiliate profile into at least one common format affiliate profile that is independent of said specific operating system (see Judd et al., col. 7, lines 39-60). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kinnunen et al. and Tucciarone et al. to a transformation engine configured to obtain at least one affiliate profile having a format associated with a

specific operating system, transform the at least one affiliate profile into at least one common format affiliate profile that is independent of said specific operating system in order to enable various device types can access and share content via a network without concern as to the original format of the content (see Judd et al., abstract).

19. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen et al. and Judd et al. as applied to claim 1 above, and further in view of Leung et al. (2002/0061741). Kinnunen et al. and Judd et al. teach the mentioned limitations of claim 1 above but fail to teach a system wherein said community engine server comprises a scalable architecture. However, Leung et al. teaches a system wherein said community engine server comprises a scalable architecture (see Leung et al., ¶ 20). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kinnunen et al. and Judd et al. to a system wherein said community engine server comprises a scalable architecture in order to allow for both application logic, and update and filtering decisions, to be conveniently embedded in the generic communication and computation pattern for dynamic mobile service matching (see Leung et al., ¶ 18).

20. Claims 17, 20, 21, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ott et al. (2003/0120817) and Judd et al.

21. As per claim 17, Ott et al. teaches caching said transformed affiliate profile in a cache in a community engine server (see Ott et al., ¶ 47); accessing a first user profile in said community engine server (see Ott et al., ¶ 64); comparing said first user profile to

said transformed affiliate profile; and, generating a match result based on said comparing (see Ott et al., ¶ 32). But fails to teach a method comprising: obtaining an affiliate profile having a format associated with a specific operating system of an affiliate server; transforming said affiliate profile to a transformed affiliate profile that is independent of said specific operating system; transforming said affiliate profile to a transformed affiliate profile. However, Judd et al. teaches a method comprising: obtaining an affiliate profile having a format associated with a specific operating system of an affiliate server; transforming said affiliate profile to a transformed affiliate profile that is independent of said specific operating system; a method comprising: obtaining an affiliate profile having a format associated with a specific operating system of an affiliate server (see Judd et al., col. 7, line 39-col. 8, line 3); transforming said affiliate profile to a transformed affiliate profile that is independent of said specific operating system (see Judd et al., col. 9, line 53-col. 10, line 13). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ott et al. to a method comprising: obtaining an affiliate profile having a format associated with a specific operating system of an affiliate server; transforming said affiliate profile to a transformed affiliate profile that is independent of said specific operating system; a method comprising: obtaining an affiliate profile having a format associated with a specific operating system of an affiliate server; transforming said affiliate profile to a transformed affiliate profile that is independent of said specific operating system in order to enable various device types can access and share content via a network without concern as to the original format of the content (see Judd et al., abstract).

22. As per claim 20, Ott-Judd teach a method wherein said caching further comprises accessing a database (see Ott et al., ¶ 29).
23. As per claim 21, Ott-Judd teach a method wherein said accessing is based upon a user associated with said first user profile manipulating a communication device interface (see Ott et al., ¶ 21).
24. As per claim 23, Ott-Judd teach a method wherein said comparing is performed based on a physical location parameter of a communication device (see Ott et al., ¶ 23).
25. As per claim 24, Ott-Judd teach a method wherein said generating is performed when a user associated with said first user profile accesses said community engine server (see Ott et al., ¶ 32).
26. Claim 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ott et al. and Judd et al. as applied to claim 29 above, and further in view of Kinnunen et al.
27. As per claim 18, Ott et al. and Judd et al. teach the mentioned limitations of claim 29 above but fail to teach a method wherein said obtaining said affiliate profile comprises accessing a web service hosted on said affiliate server from said community engine server. However, Kinnunen et al. teaches a method wherein said obtaining said affiliate profile comprises accessing a web service hosted on said affiliate server from said community engine server (see Kinnunen et al., ¶ 102). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ott et al. and Judd et al. to a method wherein said obtaining said affiliate profile comprises accessing

a web service hosted on said affiliate server from said community engine server in order to provide location dependent services to a plurality of mobile terminals within a coverage area (see Kinnunen et al., abstract).

28. As per claim 22, Ott et al. and Judd et al. teach the mentioned limitations of claim 29 above but fail to teach a method wherein said comparing is performed within at least one group associated with said first user profile. However, Kinnunen et al. teaches a method wherein said comparing is performed within at least one group associated with said first user profile (see Kinnunen et al., ¶ 106 and ¶ 137). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ott et al. and Judd et al. to a method wherein said comparing is performed within at least one group associated with said first user profile in order to provide location dependent services to a plurality of mobile terminals within a coverage area (see Kinnunen et al., abstract).

29. Claims 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ott et al. and Judd et al. as applied to claim 29 above, and further in view of Generous et al. (2002/0120697).

30. As per claim 19, Ott et al. and Judd et al. teach the mentioned limitations of claim 29 above but fail to teach a method wherein said transforming further comprises the use of XSLT. However, Generous et al. teaches a method wherein said transforming further comprises the use of XSLT (see Generous et al., ¶ 1040). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ott et al. and Judd et al. to a method wherein said transforming further comprises the use of XSLT in

order to support both current & new customer data requirements in a robust fashion (see Generous et al., ¶ 1025).

31. As per claim 25, Ott et al. and Judd et al. teach the mentioned limitations of claim 29 above but fail to a method wherein said generating is performed asynchronously by said community engine server. However, Generous et al. teaches a method wherein said generating is performed asynchronously by said community engine server (see Generous et al., 503). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ott et al. and Judd et al. to a method wherein said generating is performed asynchronously by said community engine server in order to support both current & new customer data requirements in a robust fashion (see Generous et al., ¶ 1025).

32. Claims 11-16 and 29-30 have similar limitations as to claims 1-9 and 17-25 above; therefore, they are being rejected under the same rationale.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

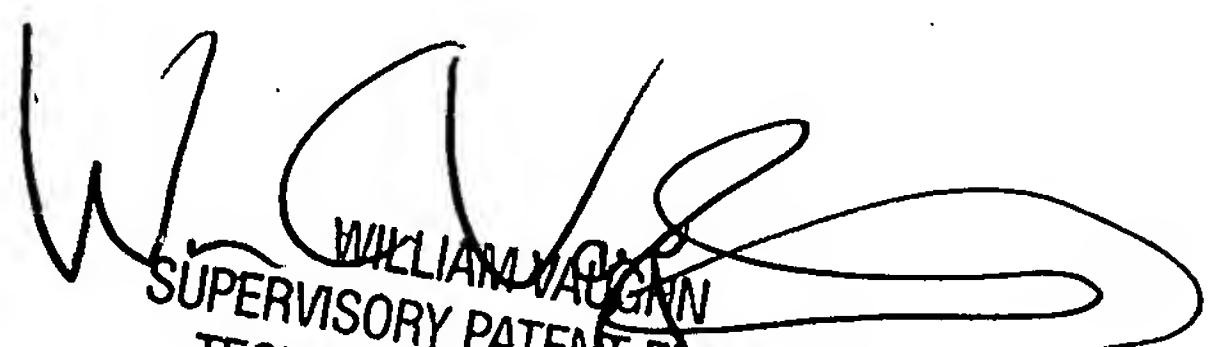
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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